

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	
	:	FINAL ORDER
DORIS J. SEDA, LPN	:	OF DISCIPLINE
License # 26NP06432200	:	
	:	
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Doris J. Seda ("Respondent") is a Licensed Practical Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about June 21, 2012, Respondent completed and submitted an online biennial renewal for the period of June 1, 2012 to May 31, 2014.

3. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing

education credits by May 31, 2012," referring to the biennial renewal period of June 1, 2010 to May 31, 2012. Respondent answered "Yes" and certified that answer by submitting the online application.

4. On April 22, 2013 the Board received a flagging notice that Respondent was arrested on April 20, 2013 by the Penns Grove Police Department for violation of N.J.S.A. 2C:12-3A (Threaten To Commit Crime) and N.J.S.A. 2C:12-1A (Simple Assault). The Board sent a letter of inquiry requesting certain information and documents regarding the criminal matter, Respondent's nursing practice, and continuing education to Respondent's address of record in Penns Grove, New Jersey, via regular and certified mail on or about April 30, 2013. The regular mailing was not returned; the certified mailing was unclaimed and returned.

5. On or about May 30, 2014, Respondent completed and submitted an online biennial renewal for the period of June 1, 2014 to May 31, 2016.

6. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2014," referring to the biennial renewal period of June 1, 2012 to May 31, 2014. Respondent

answered "Yes" and certified that answer by submitting the online application.

7. To date, Respondent has not responded to the Board's request for information.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e) and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

By virtue of having failed to respond to the letter of inquiry, Respondent is deemed to have failed to demonstrate, to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the biennial period of June 1, 2010 to May 31, 2012. The Board

therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's use of dishonesty and misrepresentation during the license renewal process in falsifying her continuing education information constitutes a violation of N.J.S.A. 45:1-21(b), subjecting Respondent to sanctions.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on January 21, 2015, provisionally suspending respondent's nursing license and imposing a reprimand and a total of \$750 in civil penalties. A copy of the Order was served upon respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

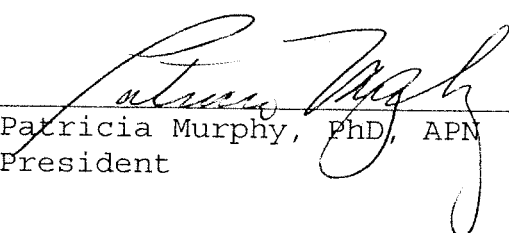
Respondent replied to the Provisional Order, and maintains that she responded to the Board's inquiry. Respondent has provided certificates of completion for thirty (30) contact hours of continuing education for the 2010-2012 and 2012-2014 licensing cycles. Thus the Board finds that Ms. Seda timely completed her continuing education obligation both licensing cycles, and the reprimand for dishonesty in the renewal process, and the \$250 penalty for failure to timely complete continuing education are both unwarranted. Ms. Seda has also provided information requested relating to her arrest. However, although Ms. Seda maintains that the charges against her were dismissed, she has not provided documentation of the dismissal even as of the time of this writing. However, Board staff was able to confirm the dismissal via the flagging system, and the Board finds that suspension of respondent's nursing license in this instance for failure to fully and timely cooperate with the Board would be excessive. Nevertheless, even if respondent did respond to the Board's initial request for information, to this date respondent has not fully cooperated with the Board's inquiry, and therefore the Board finds that imposition of the \$500 civil penalty for failure to cooperate in violation of N.J.A.C. 13:45C-1.2, -1.3 is appropriate.

ACCORDINGLY, IT IS on this 27th day of April, 2015,
ORDERED that:

1. Respondent is assessed a civil penalty in the amount of five hundred dollars (\$500) for failure to fully and timely cooperate with a Board investigation. Payment shall be made by money order, bank cashier check or certified check, made payable to the State of New Jersey or by wire transfer, direct deposit or credit card payment delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making payment. Payment shall be due no later than fifteen (15) days after the filing of this order. In the event respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By: _____


Patricia Murphy, PhD, APN
President